

REMARKS

Claims 16-33 are pending.

Double Patenting Rejections:

Claims 16-33 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 5,836,965. The judicially created doctrine was grounded on public policy so as to prevent the unjustified or improper timewise extension of the patent term. A terminal disclaimer would not be necessary to serve these ends in this case because the term of any patent issuing from the present application would not extend beyond the term of any of the issued patents on which priority is presently based. Accordingly, Applicants respectfully request Examiner withdraw the double patenting rejection.

Claim Rejections Under 35 U.S.C. 112:

Claims 16-24 and 26 stand rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention. With regard to misspellings, these have been corrected by the amendment to claim 16 herein.

Examiner further states that Claims 17 and 26 are indefinite "for it is unclear how the balloon adheres to the stent."

Applicants respectfully disagree and submit that the language of the claim is clear. In addition, applicants note that the explanation of the preferred embodiment of the invention clearly calls out how the balloon is adhered to the stent. See, for example, page 4, lines 17-19 and page 9, lines 11-13. Therefore Applicants respectfully request Examiner withdraw the rejections of the claims.

Conclusion:

Applicants therefore believe that the claims are in condition for allowance. An early and favorable action on the merits is respectfully requested.

Respectfully Submitted,



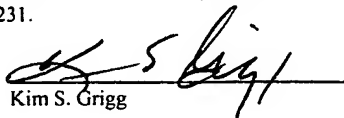
Susan M. Schmitt
Attorney for Applicants
Registration No.: 34,427

Medtronic AVE Inc.
3576 Unocal Place
Santa Rosa, CA 95403
Tel. No.: (707) 566-1326
Fax. No.: (707) 543-5420

CERTIFICATE OF MAILING (37 CFR 1.8A)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in the envelope addressed to: Box Non-Fee Amendment, Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: 9/17, 1999


Kim S. Grigg